

THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

Loramax LLC, Plaintiff,

v.

Dodge & Cox and Dodge & Cox Funds,  
Defendants.

Civil Action No. 2:15-cv-664-RWS-RSP

JURY TRIAL DEMANDED

**PLAINTIFF LORAMAX LLC'S ANSWER TO DEFENDANTS' COUNTERCLAIMS**

Plaintiff and Counterclaim-Defendant Loramax LLC ("Loramax" or "Plaintiff") submits the following answer in response to the Counterclaims ("counterclaims") of Defendants and Counterclaimants Dodge & Cox and Dodge & Cox Funds (collectively, "Defendants").

**COUNTERCLAIMS**

**PARTIES**

1. Admitted.
2. Admitted.
3. Admitted.

**JURISDICTION**

4. Admitted.
5. Admitted.

**COUNT I**

**DECLARATION REGARDING NON-INFRINGEMENT**

6. Plaintiff lacks sufficient facts to admit or deny this allegation.
7. Admitted, but Plaintiff denies that Defendants are entitled to such a declaration.

**COUNT II**

### **DECLARATION REGARDING INVALIDITY**

8. Plaintiff lacks sufficient facts to admit or deny this allegation.
9. Admitted, but Plaintiff denies that Defendants are entitled to such a declaration.

### **PRAYER FOR RELIEF**

Plaintiff denies that Defendants are entitled to any relief whatsoever.

### **JURY DEMAND**

Plaintiff assert that no response is required to this paragraph.

### **AFFIRMATIVE DEFENSE**

Pursuant to Federal Rule of Civil Procedure 8(c), Plaintiff, without waiver, limitation, or prejudice, hereby asserts the following affirmative defenses. Plaintiff reserves the right to further amend its response as additional information becomes available:

#### **FIRST DEFENSE**

The claims of the '126 patent are presumed to be valid under 35 U.S.C. § 282(a).

#### **SECOND DEFENSE**

Defendants infringed the '126 patent under 35 U.S.C. § 271.

#### **THIRD DEFENSE**

Defendants' counterclaims fail to state claims upon which relief may be granted.

#### **FOURTH DEFENSE**

Defendants cannot prove that this is an exceptional case under 35 U.S.C. § 285.

#### **FIFTH DEFENSE**

Defendants' counterclaims are barred under the doctrine of unclean hands. Defendants have failed to support its counterclaims or defenses to Plaintiff's claims of infringement. Thus, Defendants are barred from using any equitable defenses.

## **SIXTH DEFENSE**

Defendants' counterclaims are barred by 35 U.S.C. § 282(b).

Therefore, Plaintiff requests that judgment be entered against Defendants and in Plaintiff's favor on the counterclaims brought by Defendants. Plaintiff further requests that it be granted all the relief requested in its Complaint.

DATED August 17, 2015.

Respectfully submitted,

*/s/ Jaspal S. Hare*

By: \_\_\_\_\_

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**ATTORNEYS FOR PLAINTIFF  
LORAMAX LLC**

### **CERTIFICATE OF SERVICE**

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served on Monday, August 17, 2015 with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Jaspal S. Hare

Jaspal S. Hare